

REMARKS

Claims 11, 14-22, 24 and 27-30 have been amended. Claims 11-30 remain for further consideration. No new matter has been added.

The objections and rejections shall be taken up in the order presented in the Official Action.

1. Claims 11-30 remain following entry of this amendment.

2-3. Claims 13, 15, 20 and 27 currently stand rejected under 35 U.S.C. §112 second paragraph for allegedly being indefinite.

Claims 13, 15 and 20

Claims 13, 15 and 20 stand rejected because they each recite the feature “the host network standard,” and insufficient antecedent basis allegedly exists for this feature. In response, claim 11, the independent claim from which these three dependent claims depend, has been amended to add the feature of “a host network standard.” No new matter has been added. It is submitted there now exists antecedent basis for this feature in each of these three dependent claims.

Claim 27

Claim 27 stands rejected as allegedly being duplicative of claim 18. In response, the dependency of claim 27 has been amended to now depend directly from independent claim 21.

4-10. Claims 11-14 currently stand rejected under 35 U.S.C. §103(a) for allegedly being obvious in view of the combined subject matter disclosed in U.S. Patent No. 6,542,511 to

Livermore *et al.* (hereinafter “Livermore”) and U.S. Patent No. 6,172,980 to Flanders *et al.* (hereinafter “Flanders”).

Claim 11

Claim 11, as amended herein, recites a data telegram for transmitting data in a network in which the data telegram comprises “*a data section containing data formatted in accordance with an extraneous standard that is different than the host network standard; and a header section having a predetermined region that contains information specifying that the data within the data section are formatted according to the extraneous standard.*” (emphasis added, claim 11). The Official Action contends that Livermore discloses all of the quoted claim language except the portion where the information in the header section specifies that the data section is formatted according to the extraneous standard. The Official Action further contends that Flanders discloses a frame header that specifies the data section is formatted according to the extraneous standard. (see Official Action, pg. 3). It is respectfully submitted that this rejection is improper.

A fair and proper reading of Livermore indicates Livermore does not disclose that the information in the header section specifies the data section is formatted according to an extraneous standard, and that the extraneous standard is different than the host network standard. In contrast, Livermore merely teaches a header that identifies both itself and the destination address of a node to which the associated data units are to be sent within the network. (col. 6, lines 29-33; col. 6, lines 43-45). There is simply no discussion nor suggestion anywhere in Livermore regarding use of standards for formatting data.

Further, a fair and proper reading of Flanders reveals that nowhere in Flanders, and particularly at the cited locations in the drawings and specification (FIGS. 3A-3D; col. 6, lines 26-30), is there a disclosure or suggestion of a data telegram having a header section that

specifies that the corresponding data section is formatted according to an extraneous standard, and that the extraneous standard is different than the host network standard. Flanders, at the cited locations in the specification and drawings, discloses that the processor 46 uses a VLAN tag extracted from the header of the received frame along with the physical port number on which the frame was received and the VLAN ID from either of two tables 102, 104. The outputs of a third table 106 include a VLAN ID, which is one of 256 possible numbers used by hardware to represent a given VLAN. Further, FIGS. 3A-3D merely disclose variations of a format of Ethernet frames each having a field which determines whether that frame field represents a length field or a type field. If a type field, the data value of that field is used as a compare against predefined values programmed into a Protocol Type Table, which has sixteen entries, two of which are indicative of a routing protocol. (see col. 5, lines 10 *et seq.* through to col. 6, line 17).

This teaching in Flanders is merely used to indicate in general a routing scheme for data. It is submitted that none of this teaching in Flanders can be construed to be that of a data telegram having a header section that specifies the corresponding data section is formatted according to an extraneous standard, and that this extraneous standard is different than the host network standard.

Claims 12-14

It is respectfully submitted that the rejection of these dependent claims is moot, since each of these claims depends either directly from claim 11, which is patentable for at least the reasons set forth above.

11-23. Claims 15-20 currently stand rejected for allegedly being obvious in view of the combined subject matter disclosed in Livermore, Flanders, and the MOST Specification Framework Rev. 1.1 (“MOST Specification”).

It is respectfully submitted that the rejection of these claims is moot, since their associated independent claim (claim 11) is patentable for at least the reasons set forth above.

24-37. Claims 21-30 currently stand rejected for allegedly being obvious in view of the combined subject matter disclosed in the MOST Specification and Flanders.

Claim 21

Claim 21, as amended herein, recites a data telegram for transmitting data in accordance with a MOST protocol in a MOST network having a defined MOST standard, in which the data telegram comprises “*a data section containing data formatted in accordance with a prescribable extraneous standard that is different than the MOST standard; and a header section consisting of five bytes a predetermined region of which contains information specifying that the data section is formatted according to the extraneous standard.*” (emphasis added, claim 21). The Official Action contends that the MOST Specification discloses all of the quoted claim language (as originally filed) except that the header consists of five bytes. The Official Action further contends Flanders teaches a frame header of five bytes. (see Official Action, pp. 7-8). It is respectfully submitted that this rejection is improper.

A fair and proper reading of the MOST Specification indicates that the MOST Specification (particularly at the cited locations of sections 5, 6.7, 6.8 (1-4)) neither discloses nor suggests that the information in the header section specifies that the data section is formatted according to an extraneous standard, and that this extraneous standard is different than the

MOST standard. The MOST Specification, particularly at the cited locations, discloses specific information relating to the Transmission Control Protocol (TCP), and also discloses some general information relating to the MOST data channels. For example, the only discussion in section 5 of the MOST Specification that mentions the words “header” and “format” is the sentence that reads “For sending bulk data and control data, the same header format is used, while the kind of data (*i.e., bulk or control*) is indicated in the coding field of the header.” (emphasis added for clarification). (Another sentence in section 5 of the MOST Specification merely mentions that “For MOST High Protocol, the header is reduced to the essential extent.” However, this passage is of no relevance to the claimed feature at issue and the instant rejection.) Further, sections 6.7 and 6.8 (1-4) of the MOST Specification disclose specific definitions of the MOST Frame and the MOST Data Channels. However, none of these definitions so much as mention any standards for formatting data, let alone data formatted according to an extraneous standard. Therefore, it is respectfully submitted that the disclosure in the MOST Specification cannot be construed to be that of a data telegram containing data formatted in accordance with an extraneous standard, and that this extraneous standard is different than the MOST standard.

Further, because of the foregoing arguments immediately above with respect to the MOST Specification and the language of claim 21 as amended herein, the arguments in the Official Action with respect to the teaching of Flanders are hereby rendered moot.

Claims 22-27

It is respectfully submitted that the rejection of these claims is moot, since their associated independent claim (claim 21) is patentable for at least the reasons set forth above.

Claim 28

Claim 28, as amended herein, recites a MOST system comprising a plurality of multimedia devices communicably coupled through a communication path and defining a MOST network, wherein the multimedia devices transmit and receive data telegrams formatted in accordance with a MOST standard, wherein the data telegram comprises “*a data section containing data formatted in accordance with an extraneous standard that is different than the MOST standard; and a header section consisting of five bytes and including a predetermined region that specifies that the data section is formatted according to the extraneous standard.*” (emphasis added claim 21). The Official Action contends that the MOST Specification discloses all of the quoted claim language (as originally filed) except that the header consists of five bytes. The Official Action further contends Flanders teaches a frame header of five bytes. (see Official Action, pp. 7-8). It is respectfully submitted that this rejection is improper.

A fair and proper reading of the MOST Specification indicates that the MOST Specification (particularly at the cited locations of sections 5, 6.7, 6.8 (1-4)) neither discloses nor suggests that the information in the header section specifies that the data section is formatted according to an extraneous standard, and that this extraneous standard is different than the MOST standard. The MOST Specification, particularly at the cited locations, discloses specific information relating to the Transmission Control Protocol (TCP), and also discloses some general information relating to the MOST data channels. For example, the only discussion in section 5 of the MOST Specification that mentions the words “header” and “format” is the sentence that reads “For sending bulk data and control data, the same header format is used, while the kind of data (*i.e., bulk or control*) is indicated in the coding field of the header.” (emphasis added for clarification). (Another sentence in section 5 of the MOST Specification

merely mentions that "For MOST High Protocol, the header is reduced to the essential extent." However, this passage is of no relevance to the claimed feature at issue and the instant rejection.) Further, sections 6.7 and 6.8 (1-4) of the MOST Specification disclose specific definitions of the MOST Frame and the MOST Data Channels. However, none of these definitions so much as mention any standards for formatting data, let alone data formatted according to an extraneous standard. Therefore, it is respectfully submitted that the disclosure in the MOST Specification cannot be construed to be that of a data telegram containing data formatted in accordance with an extraneous standard, and that this extraneous standard is different than the MOST standard.

Further, because of the foregoing arguments immediately above with respect to the MOST Specification and the language of claim 28 as amended herein, the arguments in the Official Action with respect to the teaching of Flanders are hereby rendered moot.

Claims 29-30

It is respectfully submitted that the rejection of these claims is moot, since their associated independent claim (claim 28) is patentable for at least the reasons set forth above.

For all the foregoing reasons, reconsideration and allowance of claims 11-30 is respectfully requested.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,



Patrick J. O'Shea
Reg. No. 35,305
O'Shea, Getz & Kosakowski, P.C.
1500 Main Street, Suite 912
Springfield, MA 01115
(413) 731-3100, Ext. 102